



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 02/09/99  
AGENDA ITEM 4  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Vesting Tentative Map Tract 7044 & Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) Tom & Helga Barras (Owners) - Request to subdivide three parcels totaling 1.92 acres into 12 and to request approval of site and architectural plans

The project is located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, in an RSB4 (Single-Family Residential, 4,000 square-foot minimum lot size) District.

**RECOMMENDATION:**

It is recommended that the City Council:


1. Approve Vesting Tentative Map Tract 7044, subject to the attached conditions of approval;
2. Approve Site Plan Review Application 98-130-10, subject to the attached conditions of approval; and
3. Vacate excess right-of-way and authorize the City Manager to execute the sale of excess real property.

**DISCUSSION:**

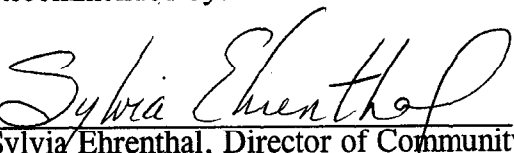
At the Council hearing of February 2, 1999, Vesting Tentative Map Tract 7044 for 13 lots was discussed by the Council. With the concurrence of the applicant, the Council voted [6:1] to support a conceptual plan showing 12 lots. Council requested staff to return to the next regular meeting with the requisite revised tentative map and findings and conditions for approval. The applicant has resubmitted the map which now shows five lots fronting Mohr Drive, and seven lots radiating around the extension of Bamboo Court. The revised vesting tentative tract map conforms to all applicable ordinance requirements and development standards.

Findings for approval are attached as Exhibits A and B. Conditions of Approval for Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 have also been attached (Exhibits C and D). The conditions of Approval were discussed with the applicant, who is in agreement with them.


Prepared by:

  
Sheldon McClellan  
Senior Planner

Recommended by:

  
Sylvia Ehrenthal, Director of Community  
and Economic Development

Approved by:

  
Jesus Armas, City Manager

Attachments:

Exhibit A - Vesting Tentative Map Tract 7044 - Findings for Approval  
Exhibit B - Site Plan Review Application No. 98-130-10 - Findings for Approval  
Exhibit C - Vesting Tentative Map Tract 7044 - Conditions of Approval  
Exhibit D - Site Plan Review Application No. 98-130-10 - Conditions of Approval  
Exhibit E - Negative Declaration and Initial Study  
Vesting Tentative Map Tract 7044  
Draft Resolution(s)

## EXHIBIT A

### FINDINGS FOR APPROVAL VESTING TENTATIVE MAP TRACT 7044 FOR 12 SINGLE-FAMILY HOMES

Based on the public hearing record, the City Council finds as follows:

- A. The tentative tract map, has been found to be in substantial conformance with the project reviewed under the attached Negative Declaration, which reflects the independent judgment of the City Council.
- B. The tentative tract map and the proposed site plan is in substantial conformance with the State Subdivision Map Act.
- C. The tentative tract map and the proposed site plan substantially conform to the City's Subdivision Regulations, the General Policies Plan, and the Mission-Foothills Neighborhood Plan.
- D. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- E. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- F. None of the findings set forth in Section 66474<sup>1</sup> of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- G. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- H. The site is physically suitable for the proposed type of development, and upon implementation of the proposed conditions of approval, the streets and utilities would be adequate to serve the development.

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<sup>1</sup> The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

### **FINDING REGARDING VACATION OF RIGHT-OF WAY**

That the vacation and sale of excess right-of-way along Mohr Drive is consistent with the General Plan, in that Mohr Drive is fully improved consistent with the General Plan Policies, and the vacation of excess right-of-way will not conflict with any of the circulation element goals.

**CITY OF HAYWARD**

**FINDINGS FOR APPROVAL**

**Site Plan Review No. 98-130-10  
PASSPORT HOMES, INC.  
Mohr Drive & Extension of Bamboo Court**

Request for site plan review approval of house model plans for 12-lot single-family detached homes in the Passport Homes, Inc. infill project on Mohr Drive and extension of Bamboo Court.

Based on the information presented in the staff report and the public hearing, the City Council does hereby find:

- A. That a Negative Declaration for the Passport Homes, Inc. single-family residential project reflects the independent judgement of the City Council.
- B. That the proposed 12 single-family detached homes are compatible with surrounding single-family homes since the development exceeds the minimum lot area allowed in the district and the setbacks to existing structures exceed what is required or what is found on adjacent properties.
- C. That the development and placement of the proposed single-family homes takes into consideration the physical and environmental constraints of the property by extending the deadend street section of Bamboo Court, provision of a storm sewer and preservation of many of the existing trees on the property.
- D. The proposed homes complies with the intent of City development policies and regulations pertaining to lot coverage, design guidelines, setbacks, parking, etc.
- E. The placement of the homes on the lots allows their use in a manner determined to be acceptable and compatible with surrounding single-family dwellings and other uses such as garbage and recyclable container pickup service, visitor parking on the street and areas for private usable open space.
- F. The lot design on the cul-de-sac conforms to the design standards of the City and that there is adequate area for the placement of the homes on the lots to conforms to all Zoning Ordinance requirements.

## **EXHIBIT C**

### **CONDITIONS OF APPROVAL VESTING TENTATIVE MAP TRACT 7044 FOR 12 SINGLE-FAMILY LOTS Bamboo Court**

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code (Chapter 10, Article 3, and Standard Specifications and Details) unless otherwise indicated.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply:

#### **PRIOR TO THE RECORDATION OF THE FINAL MAP**

##### **Dedications and Easements**

1. The final map shall:
  - a. Dedicate Bamboo Court as a public street to the City of Hayward;
  - b. Dedicate to the City of Hayward a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way of Bamboo Court and Mohr Drive; and
  - c. Dedicate to the City of Hayward a 10-foot-wide water main easement and a 10-foot-wide storm drain main easement. The location of the easements shall be determined by the City Engineer.
2. Any area determined to be excess public street right-of-way along the Mohr Drive frontage shall be vacated by separate instrument and acquired by the owner of the subdivision.
3. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

#### **Subdivision Agreement**

4. The developer shall enter into a subdivision agreement with the City of Hayward and post security to secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
5. The developer shall provide liability insurance per Section 7-2.41, Responsibility for Accidents, Liability Insurance, of the Municipal Code.

#### **Public Street Improvements**

6. Bamboo Court shall conform to the standards for a 46-foot-wide public residential street with a cul-de-sac face of curb radius of 40 feet. The street improvements shall include curb, gutter, sidewalk and street pavement.
7. The Mohr Drive frontage shall be improved with curb, gutter, sidewalk and tie-in paving based on a 49-foot-wide public residential street standard. The limits of the tie-in paving shall be determined by the City Engineer.

#### **PRIOR TO ISSUANCE OF A GRADING PERMIT**

8. Notwithstanding Section 10-8.11(g) of the Municipal Code, a grading permit shall be required for any on-site grading if the grading is to be done independent of the subdivision's improvement plans. Grading plans shall conform to the preliminary soils report. No grading permit shall be issued prior to tentative tract map approval.
9. Submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
10. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer.
11. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after the construction phase, shall be submitted for review and approval of the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the

responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.

12. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
13. The drainage system design shall use the Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition, to determine storm drainage runoff. The drainage system shall be designed to accommodate the run-off associated with a 10-year-storm.

#### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

14. Required water system improvements shall be completed and operational prior to the start of combustible construction.
15. Emergency vehicle access shall be maintained via a minimum 24-foot-wide all-weather access road engineered for 50,000 pound gross vehicle weight.

#### **DURING CONSTRUCTION**

16. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
  - b. Grading and construction equipment shall be properly muffled;
  - c. Unnecessary idling of grading and construction equipment is prohibited;
  - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
  - f. Daily clean up of trash and debris shall occur on Mohr Drive and Bamboo Court;
  - g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;



- h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas; and
  - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
17. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
18. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

**PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

19. The applicant/developer shall pay the following fees based on the cost established at the time Vesting Tentative Map 7044 was approved;
- a. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
  - b. Supplemental Building Construction and Improvement Tax;
  - c. School Tax; and
  - d. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

20. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
21. If the pavement along Mohr Drive, Laguna Drive, Yoshida Drive, and Bamboo Court is damaged as a result of construction traffic an AC will be required to be installed. The limits of the overlay will be determined by the City Engineer.

22. The subdivider shall submit an "as built" plan indicating the following:

- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc; and
- b. All the site improvements, except landscaping species, buildings and appurtenant structures.

23. Bamboo Court shall be posted with signage that states "No Outlet."

**CITY OF HAYWARD****CONDITIONS OF APPROVAL**

**Site Plan Review No. 98-130-10  
PASSPORT HOMES, INC.  
Mohr Drive & Extension of Bamboo Court**

Request for site plan review approval of house model plans for 12-lot single-family detached homes in the Passport Homes, Inc. infill project (Vesting Tentative Map Tract 7044) on Mohr Drive and extension of Bamboo Court.

**General**

This site plan review application of house model plans for 12-lot single-family detached homes in the Passport Homes, Inc. infill project located on Mohr Drive and extension of Bamboo Court, shall be constructed according to the plans approved by the City Council on February 9, 1999, labeled Exhibit "A" and these conditions of approval.

1. This permit approval is void two years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans or conditions shall require review and approval by the Director of Community and Economic Development/Planning Director.
2. Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
3. Prior to construction, a building permit must be obtained from the Development Inspection Services Division. All improvements must be completed in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code and Uniform Fire Code as adopted by the City of Hayward.
4. All conditions of approval of Tract 7044 shall remain in force.
5. The site shall be developed in compliance with the following Fire Department requirements:
  - a. Fire hydrant(s) shall be located on the extension of Bamboo Court per the requirements of the Fire Department. The number, type and placement of the hydrant(s) shall be per the Fire Marshal.
  - b. Roof materials for all structures shall be barrelled, Spanish terra-cotta-color tiles which match roof tiles on the adjacent off-site homes developed previously by The Plymouth Group.
  - c. All chimneys shall be equipped with approved spark arresters.

**Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)**

- d. All buildings shall display an address visible from the private street. The address shall be a minimum 6" height or a minimum 4" height if self-illuminated.
6. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
7. Prior to issuance of a Certificate of Occupancy, street trees and front yard landscaping and irrigation shall be installed.
8. Prior to issuance of a grading permit, a tree removal permit is required for the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect. The *Schinus molle* (California Pepper) on Lot 1 and the *Acer Platanoide* (Norway Maple) on Lot 3 shall be preserved. All trees to be preserved shall be indicated on the site and grading plans, and noted with tree protection measures. The developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.
9. A street tree plan and front yard landscaping and irrigation plans shall be submitted for review and approval by the City prior to the issuance of building permits. Front yards shall be limited to a maximum 50% Fescue turf. One 15-gallon street tree shall be provided on each lot for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail SD-122.
10. Park Dedication In-Lieu Fees shall be calculated on the basis of 12 single-family dwelling units, less a credit for two existing units. The pro-rated share of fees shall be paid for each lot prior to issuance of a Certificate of Occupancy. Fees shall be those in effect at the time of issuance of the building permit.
11. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required trees that are in declining health, or severely topped or pruned shall be replaced immediately as determined by the City Landscape Architect. A tree removal permit is required prior to the removal of any tree on-site, regardless of size.
12. Mail boxes for all units shall be located next to the public street.
13. Before issuance of a building permit, the applicant shall submit final site and building elevation plans to the Director of Community and Economic Development/Planning Director for review and approval which include the following information:
  - a. A site plan and drainage plan for each individual lot shall be reviewed and approved;

**Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)**

- b. Detailed elevations showing differences in each model type. The same house model elevation shall not be placed next to each other; and
  - c. A final color and materials board for all elevations.
14. The following conditions pertaining to solid waste and recycling shall apply to this project:
- a. Each lot shall provide adequate storage space inside each home for the containers for garbage (32-, 64- or 96-gallon, two-wheeled cart), yard trimmings (64- or 96-gallon, two-wheeled cart) and recyclables (two 18-gallon bins). The storage area required for each cart or pair of bins is 36 x 36 inches, or a total area of 9 feet long x 3 feet wide;
  - b. Prior to any demolition of existing structures on the property or construction of new dwelling units, the developer shall submit for review an on-site recycling plan which is to be implemented during the entire demolition and construction phases;
  - c. The developer shall remove all construction/demolition debris from the property by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separate contractor or subcontracted hauling service using debris boxes; and
  - d. The developer shall contact the City's franchised hauler, Waste Management of Alameda County, at (510) 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.
15. Hours of construction shall abide by the City of Hayward Municipal Code and in particular shall limit construction noise not to exceed 6 dB above the local ambient level at any point outside the property plane before the hour of 7:00 a.m. and after the hour of 7:00 p.m. daily except Sundays and holidays. On Sundays and holidays the restrictions of Section 4-1.03 of Article 1 of the City of Hayward Municipal Code shall apply before 10:00 a.m. and after 6:00 p.m.
16. Prior to connection of utilities all required fees (e.g. construction tax, school district tax, and interim supplemental construction tax) shall be paid.
17. Park Dedication In-Lieu Fees are required for each new dwelling unit prior to the issuance of a Certificate of Occupancy. Fees shall be those in effect at the time of the approval of the Vesting Tentative Map for Tract 7044.
18. Mechanical equipment, such as air conditioners, shall be prohibited on the roof.
19. A 6-foot-high solid board fence shall be placed along the each parcel boundary. The location is subject to the approval of the City of Hayward Director of Community and Economic Development/Planning.

**Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)**

**Prior to Construction**

20. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
21. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
22. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

**During Construction**

23. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
24. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
25. Violation of these conditions is cause for revocation of the Site Plan Review subject to a public hearing before the City Council.



**CITY OF HAYWARD**  
**NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

**II. PROJECT DESCRIPTION:**

**VESTING TENTATIVE MAP TRACT 7044 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS ET.AL. (OWNERS)** - Request to subdivide three parcels totaling 1.92 acres into 12 parcels ranging in size from 4,786 square feet to 7,081 square feet.

**SITE PLAN REVIEW APPLICATION NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS, ET.AL. (OWNERS)** - Request approval of site and architectural plans for 12 single-family dwellings.

The proposed project is located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court in an RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) District

**II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:**


The proposed project will have no significant effect on the area's resources, cumulative or otherwise if the public hearing body determines that there is no significant conflict with land use policies relating to the use of lands zoned Industrial in Hayward.

**III. FINDINGS SUPPORTING DECLARATION:**

- A. The project site is outside the Earthquake Hazard Zone. A soils investigation report will be required prior to issuance of a building permit.
- B. CEQA Evaluation: The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
- C. The proposed development of 12 single-family dwellings on individual minimum 4,000 square-foot lots is in conformance with the General Policies Plan Map designation of "Residential Limited Medium Density" and with the Mt. Eden Neighborhood Plan and conforms with policies that encourage moderate income ownership housing in infill residential areas.

- D. The proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "Single-Family Residential, 4,000-square-foot minimum lot size District" for the property.
- E. The proposed project will not create significant impacts related to changes in topography, water quality, or site drainage or the removal of significant vegetation or animal habitat.
- F. The proposed site plan layout provides proper access, circulation and parking for project tenants and visitors; trash and recycling storage areas are provided and there is adequate area for landscaping and private open space.
- G. The proposed project, with proposed conditions of approval, will not expose surrounding residents or future residents of the project to detrimental noise levels, light or glare, or hazardous materials.
- H. There is no evidence of historical or archaeological resources within the project area.

**IV. PERSON WHO PREPARED INITIAL STUDY:**



Sheldon R. McClellan  
Senior Planner

Dated: November 6, 1998

**V. COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward, Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4215.

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**DISTRIBUTION/POSTING**

Provide copies to all organizations and individuals requesting it in writing.

Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.





DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

**Project title:** Vesting Tentative Map Tract 7044 & Site Plan Review Application No. 98-130-10

**Lead agency name and address:** City of Hayward, 777 B Street, Hayward, CA 94541-5007

**Contact person and phone number:** Sheldon R. McClellan, Senior Planner, (510) 583-4215

**Project location:** 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, Hayward, CA 94545

**Project sponsor's Name and address:** Donald Babbitt/Passport Homes, Inc., 11740 Dublin Boulevard, Suite #203, Dublin, CA 94568, (925) 833-8022

**General Plan:** Residential - Limited Medium Density

**Zoning:** RSB4 (Single-Family Residential - 4,000 square-foot minimum lot size) District

**Description of project:** VESTING TENTATIVE MAP TRACT 7044 - PASSPORT HOMES, INC. (APPLICANT), TOM & HELGA BARRAS, ET.AL. (OWNERS) - Request to subdivide three parcels totaling 1.92 acres into 12 parcels

SITE PLAN REVIEW APPLICATION NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS ET.AL. (OWNERS) Request approval of site and architectural plans for 12single-family dwellings.

**APN:** 441-74-16, 17, 18

**Surrounding land uses and setting:** Single-family residences zoned RSB4 (Single-Family Residential - 4,000 square foot minimum lot size) and PD (Planned Development [RSB4] Zoning Districts.

**Other public agencies whose approval is required:** N/A

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning                 | <input type="checkbox"/> Transportation/Circulation   | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population and Housing                | <input type="checkbox"/> Biological Resources         | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems                   | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics                    |
| <input type="checkbox"/> Water                                 | <input type="checkbox"/> Hazards                      | <input type="checkbox"/> Cultural Resources            |
| <input type="checkbox"/> Air Quality                           | <input type="checkbox"/> Noise                        | <input type="checkbox"/> Recreation                    |
| <input type="checkbox"/> Mandatory Findings<br>Of Significance |   |  |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Sheldon R. McClellan  
Signature

Sheldon R. McClellan  
Printed name

August 28, 1998  
Date

City of Hayward  
For

## ENVIRONMENTAL IMPACTS:

|  |                                      |  |                                    |              |
|--|--------------------------------------|--|------------------------------------|--------------|
|  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--|--------------------------------------|--|------------------------------------|--------------|

### I. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with general plan designation or zoning?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The property is designated as Limited Medium Density (8.7-12.0 Dwelling Units per Net Acre) on the General Policies Plan Map. The proposed medium density residential project is consistent with this designation. A goal of the Housing Element of the General Policies Plan is to "Encourages the provision of housing units in a variety of housing types which accommodate the diverse housing needs of those who live, or wish to live in the City." In addition, Policy 1.2 states "Promote development of infill housing units within existing residential neighborhood in a variety of housing types. Therefore, the proposed 12-lot parcel map and the 12 single-family homes meet this policy

Impact: No impact.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project is not in conflict with environmental plans or policies adopted by City or other governmental agencies.

Impact: No impact.

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| c) Be incompatible with existing land use in the vicinity? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The proposed use is compatible with other small lot single-family residential land uses in the vicinity.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not zoned for agricultural uses.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not disrupt the physical arrangement of existing residential development. The project site is an infill area and will provide 12 homes on an existing vacant land.

Impact: No Impact.

## II. POPULATION AND HOUSING. *Would the proposal:*

- |   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The density of the project is slightly below the projected density for this site. The General Plan Designation is Limited Medium Density Residential (8.7-12.0 dwelling units per net acre) while the density proposed is at approximately 7 units per acre.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*See II a*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is developed with three older single-family dwellings.

Impact: No impact.

### III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- |                   |                          |                          |                          |                                     |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The property is outside the Hayward Special Studies Fault Zone. The site is located approximately 2.8 miles from the Hayward fault.

|                            | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|----------------------------|--------------------------------------|--|-------------------------------------|--------------------------|
| b) Seismic ground shaking? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment: The projected shaking intensity for this area if an earthquake with the magnitude of 7.0 were to occur on the South segment of the Hayward Fault is IX Heavy on the Modified Mercalli scale. It is projected that 18% of all single-family homes built after 1940 would be Red Tagged not fit to inhabit. (Source: On Shaky Ground-ABAG-April 1995)

Impact: Less than significant impact based on structural requirements of the Uniform Building Code.

|  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Seismic ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: This area is not known to have the potential for seismic ground failure including liquefaction.

Impact: No impact.

|   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Seiche, tsunami, or volcanic hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Not known in this area.

Impact: No impact.

|                            |                          |                          |                          |                                     |
|----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Landslides or mudflows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Area is not in the hillside and is not susceptible to mudflows.

Impact: No impact.

- |   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| f) Erosion changes in topography or unstable soil conditions from excavation, grading, or fill? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: Conditions do not exist.

Impact: No impact.

- |                        |                          |                          |                          |                                     |
|------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Subsidence of land? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Area is not known for this condition.

Impact: No impact.

- |                     |                          |                          |                          |                                     |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expansive soils? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The soils are alluvial and sedimentary rock.

(Source: Geologic Map of California  
Compiled by U.S. Geological Survey)

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Unique geologic or physical features do not exist. This is an area developed with residential housing and is relatively flat.

Impact: No impact.

#### IV. WATER. *Would the proposal result in:*

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The site has been developed with a couple of single-family homes, accessory structures and a yard with trees. This project would not change absorption rates, drainage patterns or the amount of surface run-off.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people or property to water related hazards such as flooding? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not located in an area that is susceptible to flooding.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not discharge into surface waters or affect surface water quality.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Changes in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect the amount of surface water in any water body.

Impact: No impact.



- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| e) Changes in currents, or the course or direction of water movements? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The project will not affect water currents, direction or course of water movements.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Altered direction or rate of flow of groundwater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

- |                                    |                          |                          |                          |                                     |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Impacts to groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The project will not affect ground water.

Impact: No impact.

**V. AIR QUALITY. *Would the proposal:***

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect the air quality standard nor will it contribute to an existing or projected air quality violation.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The addition of thirteen single-family homes will not expose sensitive receptors to pollutants.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not alter air movement, moisture, or temperature, or cause any change of climate.

Impact: No impact.

| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------|--|------------------------------------|-------------------------------------|
| <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

- d) Create objectionable odors?

Comment: This project is a residential development and will not create objectionable odors.

Impact: No impact

## VI. TRANSPORTATION/CIRCULATION.

*Would the proposal result in:*

- a) Increased vehicle trips or traffic congestion?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: It is anticipated that 4 am and pm peak hour vehicle trips will be generated by this project. This is consistent with existing residential properties and that the addition of 12 single-family residences located on Mohr Drive and the extension of Bamboo Court will not have an impact on traffic nor cause traffic congestion.

Impact: No impact.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The proposed homes are to be located on standard residential streets which have been designed with safety in mind. Adequate turning radii will be provided and automobiles will not back onto any arterial roadway. Sufficient backing space will be provided on each parcel.

Impact: No impact.

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| c) Inadequate emergency access or access to nearby uses? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: Adequate emergency access will be provided.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Insufficient parking capacity onsite or offsite? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Adequate parking will be provided. Each parcel will provide a two-car garage and 2 additional parking spaces can be provided on the driveway of each unit in addition to one space on the street, for a total of 5 spaces.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Hazards or barriers for pedestrians or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- f)
- Comment: The project will not result in hazards or barriers for pedestrians or bicyclists.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not conflict with adopted policies supporting alternative transportation.

Impact: No impact.

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| b) Rail waterborne or air traffic impacts? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: Rail, water nor air traffic will be impacted.

Impact: No impact.

**VII. BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site has been developed with a couple of single-family homes and accessory structures. No endangered, threatened or rare species or their habitats were observed during a field investigation on August 28, 1998 by City of Hayward Development Review Service staff.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Locally designated species (e.g., heritage trees)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site does not contain locally designated species( Source: Field investigation on August 28, 1998 by City of Hayward Development Review Service staff).

Impact: No impact.

- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The site does not contain locally designated natural communities.

Impacts: No impacts.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site does not contain a wetland habitat. ( Source: Field investigation on August 28, 1998 by City of Hayward Development Review Service staff).

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Wildlife dispersal or migration corridors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not located with in a wildlife dispersal or migration corridor.

Impact: Impact

#### VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not conflict with adopted City of Hayward energy conservation plans.

Impact: No impact.

- |   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| b) Use nonrenewable resources in a wasteful and inefficient manner? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The site will receive electrical power from Pacific, Gas & Electric.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: This site is located in an area that is zoned for residential development. Mineral resources are not known to exist in this area.

Impact: No impact.

#### IX. HAZARDS. *Would the proposal involve:*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: This is a residential development.

Impact: No impact.

- |  | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Potentially<br/>Significant<br/>Unless<br/>Mitigation<br/>Incorporated</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No<br/>Impact</i>                |
|--|---|---|---|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/>                      | <input type="checkbox"/>  | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

Comment: The project does not have the potential to interfere with an emergency response or evacuation plan. Fire, Police and other emergency vehicles will be able to access the 13 single-family homes.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

Impact: No impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Exposure of people to existing sources of potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

Impact: No impact.



- |  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The project will not introduce flammable brush, grass, or trees. A landscape plan will be approved and a condition of approval requires the residential development to be kept free of weeds and that the landscaping is to be maintained.

Impact: No impact.

**X. NOISE.** *Would the proposal result in:*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: A temporary increase in noise will occur during the construction of the project. However, hours of construction are regulated by the City of Hayward Noise Ordinance and the impacts will be minimal. The completed project will not create noise levels that are above noise levels for the area.

Impact: Temporary; the duration of construction.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: People will be exposed to an increase in noise levels during the construction of the project however, the exposure to construction noise is temporary. People will not be exposed to severe noise levels.

Impact: Temporary construction noise; not to reach severe noise levels.

|  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| <b>XI. PUBLIC SERVICES.</b> <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i> |                                      |  |                                    |                                     |
| a) Fire protection?  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <u>Comment:</u> This project will not create the need for new services.  |                                      |  |                                    |                                     |
| <u>Impact:</u> No impact.  |                                      |  |                                    |                                     |
| b) Police protection?  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <u>Comment:</u> This project will not create the need for new services.  |                                      |  |                                    |                                     |
| <u>Impact:</u> No impact.  |                                      |  |                                    |                                     |
| c) Schools?  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <u>Comment:</u> There will not be an impact beyond that anticipated in the Hayward General Policies Plan.  |                                      |  |                                    |                                     |
| <u>Impact:</u> No impact.  |                                      |  |                                    |                                     |
| d) Maintenance of public facilities, including roads?  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <u>Comment:</u> This project will affect the maintenance of public facilities.   |                                      |  |                                    |                                     |
| <u>Impact:</u> No impact.  |                                      |  |                                    |                                     |
| e) Other government services?  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <u>Comment:</u> Four homes will require to be added to the exiting postal route.   |                                      |  |                                    |                                     |
| <u>Impact:</u> No impact.  |                                      |  |                                    |                                     |

|  |                                      |  |                                    |              |
|--|--------------------------------------|--|------------------------------------|--------------|
|  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--|--------------------------------------|--|------------------------------------|--------------|

## XII. UTILITIES AND SERVICE SYSTEMS.

*Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

- a) Power or natural gas?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- b) Communications systems?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- c) Local or regional water treatment or distribution facilities?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- d) Sewer or septic tanks?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- e) Storm water drainage?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- |                          | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------|--------------------------------------|--|------------------------------------|-------------------------------------|
| f) Solid waste disposal? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: The project conditions of approval require adequate solid waste disposal and participation in the City of Hayward recycling program is required. A solid waste disposal company services the area that the project is located.

Impact: No impact.

- |                                      |                          |                          |                          |                                     |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Local or regional water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact Existing facilities are adequate to accommodate the project.

### XIII. AESTHETICS. *Would the proposal?*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Project is not located near a scenic vista or scenic highway.

Impact: No impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not have a demonstrable negative aesthetic effect.

Impact: No impact.

- |                           |                          |                          |                          |                                     |
|---------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not result in a new source of light or glare.

Impact: No impact.

|                                      |  |                                    |              |
|--------------------------------------|--|------------------------------------|--------------|
| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------------------------------------|--|------------------------------------|--------------|

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

- a) Disturb paleontological resources?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project is located in an area not known for paleontological resources.

Impact: No impact.

- b) Disturb archaeological resources?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project is located in an area not known for archaeological resources.

Impact: No impact.

- c) Have the potential to cause a physical change which would affect unique cultural values?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The construction of 4 single-family homes will not affect cultural values.

Impact: No impact.

- d) Restrict existing religious or sacred uses within the potential impact area?

|                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Religious or sacred uses do not occur on this site.

Impact: No impact.

**XV. RECREATION.** *Would the proposal:*

- |   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Comment: Park dedication in-lieu fees are required to be paid by the developer.

Impact: Fees will mitigate any impacts.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XV a. In addition, the General Policies Plan designation is Limited Medium Density Residential not Open Space which would allow the development of a park.

Impact: No impact.

## XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, Environmental goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past  |                          |                          |                          |                                     |

projects, the effects of other current projects, and the effects of probable future projects)

☐☐☐☒

- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☐☒

## **XVII. EARLIER ANALYSES.**

None.

- a) **Earlier analyses used..** None.  
b) **Impacts adequately addressed.** None.

**DRAFT**

ms 2/4/99

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION SUMMARILY VACATING EXCESS RIGHT-  
OF-WAY ALONG MOHR DRIVE AND AUTHORIZING THE  
SALE OF EXCESS REAL PROPERTY IN CONNECTION  
WITH VESTING TENTATIVE TRACT MAP 7044**

WHEREAS, the completion of the curved section of Mohr Drive resulted in an approximately 331 square foot excess right-of-way alongside Mohr Drive, more particularly described in the attached "Exhibit A;" and

WHEREAS, the applicant for Vesting Tentative Tract Map 7044 desires to purchase this excess right-of-way, and staff recommends vacation of the small piece of right-of-way and sale to the developer for \$1,000; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the excess right-of-way is no longer required for street purposes and vacation of the property would eliminate the area behind the sidewalk which would otherwise be City responsibility; and

WHEREAS, the City Council hereby finds and determines that the conveyance of excess real property along Mohr Drive is categorically exempt from CEQA and is consistent with the General Policies Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to California Streets and Highways Code section 8334(a) it is hereby ordered that the right-of-way on the parcel described on the attached Exhibit "A" is hereby declared surplus property not capable of independent development and is therefore vacated.

BE IT FURTHER RESOLVED that the City Manager is authorized to take necessary steps to negotiate and conclude the sale of the subject real property to the adjacent property owner and/or developer of Vesting Tentative Tract Map No. 7044 and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda once the documents completing the sale have been executed by the City.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DRAFT**

JB 2/4/99

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION APPROVING THE VESTING TENTATIVE  
MAP FOR TRACT 7044 AND APPROVING SITE PLAN  
REVIEW APPLICATION NO. 98-130-10 OF PASSPORT  
HOMES, INC.**

WHEREAS, Passport Homes, Inc., has, by Application No. 98-130-10, applied for a site plan review and vesting tentative map for Tract 7044 to subdivide 1.92 acres into 12 parcels and in connection therewith, to request approval of site and architectural plans for the property located at 24912, 24918 and 24924 Mohr Drive in an RSB4 (Single Family (residential, 4,000 square foot lot size) District; and

WHEREAS, a negative declaration has been prepared and processed for this subdivision in accordance with City and State CEQA guidelines; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council of the City of Hayward at its meeting of February 2, 1999, independently reviewed and considered the information contained in the initial study upon which the negative declaration is based and certified the negative declaration as complete in compliance with the requirements of the California Environmental Quality Act; and

WHEREAS, on February 2, 1999, the Council conceptually approved Site Plan Review Application No. 98-130-10-Passport Homes, Inc. and the staff recommendation for Tract 7044 as a 12 lot subdivision; and

WHEREAS, the Staff was directed to return to Council on February 9, 1999 with the documentation necessary to finalize the approvals of a Vesting Tentative Map for Tract 7044 and Site Plan Review Application No. 98-130-10; and

WHEREAS, the City Council hereby finds and determines that:

1. The proposed subdivision has been found to be in substantial conformance with the project reviewed under the attached Negative Declaration, which has been approved by the City Council.

2. The vesting tentative tract map and the proposed site plan is in conformance with the State Subdivision Map Act.
3. The vesting tentative tract map and the proposed site plan conform to the City's Subdivision Regulation, the General Policies Plan, and the Mt. Eden Neighborhood Plan.
4. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
5. The land being subdivided is for residential use and the discharge of water from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
6. None of the Findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
7. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environment or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
8. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
9. The site is physically suitable for the proposed type of development, and upon implementation of the proposed conditions of approval, the streets and utilities, would be adequate to serve the development.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the vesting tentative map for Tract 7044 and Site Plan Review Application No. 98-130-04 subject to the conditions of approval attached hereto as Exhibit "A".

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward